

AMENDED IN SENATE AUGUST 6, 2012

AMENDED IN SENATE JULY 5, 2012

AMENDED IN SENATE FEBRUARY 15, 2011

AMENDED IN SENATE JANUARY 10, 2011

Senate Constitutional Amendment

No. 2

**Introduced by Senator Wyland
(Principal coauthor: Senator Emmerson)**

December 6, 2010

Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3 and 12 of Article IV thereof, relating to legislative sessions.

LEGISLATIVE COUNSEL'S DIGEST

SCA 2, as amended, Wyland. Revised biennial session.

(1) The California Constitution requires the Legislature to convene in regular biennial session at noon on the first Monday in December of each even-numbered year to consider legislation and the Budget Bill.

This measure would require the Legislature to convene in regular biennial session, but would require, commencing on December 1, 2014, that the sessions held in odd-numbered years be budget sessions, and that the sessions held in even-numbered years be general sessions. The measure would require the Legislature in the budget session to adopt Budget Bills for each of the 2 subsequent fiscal years. While the Legislature would be authorized to conduct any other business during a budget session, the measure would require the Legislature, during a budget session, to consider Budget Bills and budget implementation bills, as defined. The measure would further require the Legislature,

during a budget session, to conduct oversight and review of state revenues and expenditures and, in that connection, to establish an oversight and program review process for evaluating public programs supported with state funds, as specified.

(2) The California Constitution requires that a budget be submitted by the Governor, and that the Legislature pass a Budget Act on or before June 15. Funds may be expended from the State Treasury for support of the state government only through an appropriation made by law.

This measure would require, in each odd-numbered calendar year, commencing in 2015, that the Governor submit to the Legislature a proposed budget for each of the 2 subsequent fiscal years. The measure would require that the budget submitted by the Governor include a goal statement, description of outcome measures, and a historical report for each public program for which state funds are appropriated by that budget, as specified.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Senate, the Assembly concurring,* That the
2 Legislature of the State of California at its 2011–12 Regular
3 Session commencing on the sixth day of December 2010,
4 two-thirds of the membership of each house concurring, hereby
5 proposes to the people of the State of California that the
6 Constitution of the State be amended as follows:

7 First—That Section 3 of Article IV thereof is amended to read:

8 SEC. 3. (a) The Legislature shall convene in regular session
9 at noon on the first Monday in December of each even-numbered
10 year and each house shall immediately organize. Each session of
11 the Legislature shall adjourn sine die by operation of the
12 Constitution at midnight on November 30 of the following
13 even-numbered year.

14 (b) On extraordinary occasions the Governor by proclamation
15 may cause the Legislature to assemble in special session. When
16 so assembled it has power to legislate only on subjects specified
17 in the proclamation but may provide for expenses and other matters
18 incidental to the session.

19 (c) This section does not apply to any legislative session
20 commencing on or after December 1, 2014. This section shall
21 remain in effect until December 1, 2014, and as of that date is
22 repealed. Section 3 of Article IV, as added by the measure that

1 added this subdivision, shall apply to legislative sessions
2 commencing on or after December 1, 2014.

3 Second—That Section 3 is added to Article IV thereof, to read:

4 SEC. 3. (a) The Legislature shall convene in biennial regular
5 session at noon on the first Monday in December of each
6 even-numbered year and each house shall immediately organize.
7 Each regular session of the Legislature shall adjourn sine die by
8 operation of the Constitution at midnight on November 30 of the
9 following even-numbered year.

10 (b) (1) Odd-numbered years of the biennial regular session,
11 together with the immediately preceding December upon
12 organization of each house, shall be known as budget sessions. In
13 a budget session, the Legislature shall consider budget bills and
14 budget implementation bills for the succeeding two fiscal years
15 and may conduct any other business.

16 (2) In a budget session, the Legislature shall conduct oversight
17 and review of the revenues and expenditures of the State. In
18 furtherance of that purpose, the Legislature shall establish an
19 oversight and program review process for evaluating public
20 programs that shall include, but not be limited to, periodic review
21 of each program supported with state funds at least once every
22 four years, unless each house by rollcall vote entered in the journal,
23 two-thirds of the membership concurring, determines there is no
24 public benefit to evaluating or reviewing a specific program. The
25 process shall include the establishment of a schedule to review the
26 operations and outcomes of each public program, performance
27 standards that identify the intended goals to be supported by each
28 program, and an evaluation of the impact of each program on the
29 achievement of those goals.

30 (c) Even-numbered years of the biennial regular session shall
31 be known as general sessions, during which any legislation may
32 be considered.

33 (d) On extraordinary occasions the Governor by proclamation
34 may cause the Legislature to assemble in special session. When
35 so assembled, the Legislature shall have power to legislate only
36 on subjects specified in the proclamation, but may provide for
37 expenses and other matters incidental to the session.

38 (e) For purposes of this section, “budget implementation bill”
39 means a bill that is identified in a statute enacting a budget bill as

1 containing only changes in law necessary to implement the budget
2 bill.

3 Third—That Section 12 of Article IV thereof is amended to
4 read:

5 SEC. 12. (a) Within the first 10 days of each calendar year,
6 the Governor shall submit to the Legislature, with an explanatory
7 message, a budget for the ensuing fiscal year containing itemized
8 statements for recommended state expenditures and estimated state
9 revenues. If recommended expenditures exceed estimated revenues,
10 the Governor shall recommend the sources from which the
11 additional revenues should be provided.

12 (b) The Governor and the Governor-elect may require a state
13 agency, officer, or employee to furnish whatever information is
14 deemed necessary to prepare the budget.

15 (c) (1) The budget shall be accompanied by a budget bill
16 itemizing recommended expenditures.

17 (2) The budget bill shall be introduced immediately in each
18 house by the persons chairing the committees that consider the
19 budget.

20 (3) The Legislature shall pass the budget bill by midnight on
21 June 15 of each year.

22 (4) Until the budget bill has been enacted, the Legislature shall
23 not send to the Governor for consideration any bill appropriating
24 funds for expenditure during the fiscal year for which the budget
25 bill is to be enacted, except emergency bills recommended by the
26 Governor or appropriations for the salaries and expenses of the
27 Legislature.

28 (d) No bill except the budget bill may contain more than one
29 item of appropriation, and that for one certain, expressed purpose.
30 Appropriations from the General Fund of the State, except
31 appropriations for the public schools and appropriations in the
32 budget bill and in other bills providing for appropriations related
33 to the budget bill, are void unless passed in each house by rollcall
34 vote entered in the journal, two-thirds of the membership
35 concurring.

36 (e) (1) Notwithstanding any other provision of law or of this
37 Constitution, the budget bill and other bills providing for
38 appropriations related to the budget bill may be passed in each
39 house by rollcall vote entered in the journal, a majority of the
40 membership concurring, to take effect immediately upon being

1 signed by the Governor or upon a date specified in the legislation.
2 Nothing in this subdivision shall affect the vote requirement for
3 appropriations for the public schools contained in subdivision (d)
4 of this section and in subdivision (b) of Section 8 of this article.

5 (2) For purposes of this section, “other bills providing for
6 appropriations related to the budget bill” shall consist only of bills
7 identified as related to the budget in the budget bill passed by the
8 Legislature.

9 (f) The Legislature may control the submission, approval, and
10 enforcement of budgets and the filing of claims for all state
11 agencies.

12 (g) For the 2004–05, 2005–06, 2006–07, 2007–08, 2008–09,
13 2009–10, 2010–11, 2011–12, 2012–13, 2013–14, and 2014–15
14 fiscal years, the Legislature may not send to the Governor for
15 consideration, nor may the Governor sign into law, a budget bill
16 that would appropriate from the General Fund, for that fiscal year,
17 a total amount that, when combined with all appropriations from
18 the General Fund for that fiscal year made as of the date of the
19 budget bill’s passage, and the amount of any General Fund moneys
20 transferred to the Budget Stabilization Account for that fiscal year
21 pursuant to Section 20 of Article XVI, exceeds General Fund
22 revenues for that fiscal year estimated as of the date of the budget
23 bill’s passage. That estimate of General Fund revenues shall be
24 set forth in the budget bill passed by the Legislature.

25 (h) Notwithstanding any other provision of law or of this
26 Constitution, including subdivision (c) of this section, Section 4
27 of this article, and Sections 4 and 8 of Article III, in any year in
28 which the budget bill is not passed by the Legislature by midnight
29 on June 15, there shall be no appropriation from the current budget
30 or future budget to pay any salary or reimbursement for travel or
31 living expenses for Members of the Legislature during any regular
32 or special session for the period from midnight on June 15 until
33 the day that the budget bill is presented to the Governor. No salary
34 or reimbursement for travel or living expenses forfeited pursuant
35 to this subdivision shall be paid retroactively.

36 (i) This section does not apply to the budget or budget bill for
37 any fiscal period commencing on or after July 1, 2015. This section
38 shall remain in effect until July 1, 2015, and as of that date is
39 repealed. Section 12 of Article IV, as added by the measure that

1 added this subdivision, shall apply to the budget and budget bill
2 for fiscal periods commencing on or after July 1, 2015.

3 Fourth—That Section 12 is added to Article IV thereof, to read:

4 SEC. 12. (a) (1) Within the first 10 days of each
5 odd-numbered calendar year, the Governor shall submit to the
6 Legislature, with an explanatory message, a separate budget for
7 each of the two subsequent fiscal years thereafter commencing on
8 July 1, containing itemized statements for recommended state
9 expenditures and estimated state revenues. If recommended
10 expenditures exceed estimated revenues, the Governor shall
11 recommend the sources from which the additional revenues should
12 be provided.

13 (2) The budget submitted by the Governor shall include all of
14 the following:

15 (A) A goal statement for each public program that receives state
16 funds in the budget.

17 (B) A description of the outcome measures or other information
18 that may be used to determine whether progress is being made in
19 accomplishing goals identified pursuant to subparagraph (A), and
20 the impact of each program supported by state funds in supporting
21 that progress.

22 (C) A historical report tracking the progress in meeting goals
23 identified pursuant to subparagraph (A) and informing whether
24 the state's impact on goals is improving over time.

25 (3) The budget submitted by the Governor, including related
26 information regarding goals, outcomes, and performance required
27 by paragraph (2), shall be made available to the public in text form
28 in an open, electronic format that is machine readable, or in another
29 format that is *more* readily accessible to the public.

30 (b) The Governor and the Governor-elect may require a state
31 agency, officer, or employee to furnish any information that is
32 deemed necessary to prepare each budget.

33 (c) (1) Each budget shall be accompanied by a budget bill
34 itemizing recommended expenditures for the applicable fiscal year.

35 (2) The budget bills shall be introduced immediately in each
36 house by the persons chairing the committees that consider the
37 budget.

38 (3) The Legislature shall pass the budget bills by midnight on
39 June 15 of the odd-numbered calendar year.

1 (4) Until the budget bills are enacted, the Legislature shall not
2 send to the Governor for consideration any bill appropriating funds
3 for expenditure during either of the two subsequent fiscal years
4 for which the budget bills are to be enacted, except emergency
5 bills recommended by the Governor or appropriations for the
6 salaries and expenses of the Legislature.

7 (d) No bill except a budget bill may contain more than one item
8 of appropriation, and that for one certain, expressed purpose.
9 Appropriations from the General Fund of the State, except
10 appropriations for the public schools and appropriations in the
11 budget bill and in other bills providing for appropriations related
12 to the budget bill, are void unless passed in each house by rollcall
13 vote entered in the journal, two-thirds of the membership
14 concurring.

15 (e) (1) Notwithstanding any other provision of law or of this
16 Constitution, the budget bill and other bills providing for
17 appropriations related to the budget bill may be passed in each
18 house by rollcall vote entered in the journal, a majority of the
19 membership concurring, to take effect immediately upon being
20 signed by the Governor or upon a date specified in the legislation.
21 Nothing in this subdivision shall affect the vote requirement for
22 appropriations for the public schools contained in subdivision (d)
23 of this section and in subdivision (b) of Section 8.

24 (2) For purposes of this section, “other bills providing for
25 appropriations related to the budget bill” shall consist only of bills
26 identified as related to the budget in the budget bill passed by the
27 Legislature.

28 (f) The Legislature may control the submission, approval, and
29 enforcement of budgets and the filing of claims for all state
30 agencies.

31 (g) For the fiscal year beginning July 1, 2015, and every July 1
32 thereafter, the Legislature shall not send to the Governor for
33 consideration, nor may the Governor sign into law, a budget bill
34 that would appropriate from the General Fund, for that fiscal year,
35 a total amount that, when combined with all appropriations from
36 the General Fund for that fiscal year made as of the date of the
37 budget bill’s passage and with the amount of any General Fund
38 moneys transferred to the Budget Stabilization Account for that
39 fiscal year pursuant to Section 20 of Article XVI, exceeds General
40 Fund revenues for that fiscal year estimated as of the date of the

1 budget bill's passage. That estimate of General Fund revenues
2 shall be set forth in the budget bill passed by the Legislature.
3 (h) Notwithstanding any other provision of law or of this
4 Constitution, including subdivision (c) of this section, Section 4
5 of this article, and Sections 4 and 8 of Article III, in any year in
6 which the budget bill is not passed by the Legislature by midnight
7 on June 15, there shall be no appropriation from the current budget
8 or future budget to pay any salary or reimbursement for travel or
9 living expenses for Members of the Legislature during any regular
10 or special session for the period from midnight on June 15 until
11 the day that the budget bill is presented to the Governor. No salary
12 or reimbursement for travel or living expenses forfeited pursuant
13 to this subdivision shall be paid retroactively.